

EXHIBIT 11

EMPLOYEE DISCIPLINE LOG

IBM # 58733

01/01/2010 TO 01/21/2021

CASE INFRACTION		SPECIFICS	INFRACTION DATE	DISCIPLINE ASSESSED	FINAL ACTION DATE	TIME	EAP	ADDITIONAL DETAILS
ACP	- 6mths	: ACP 6 MONTHS/ 25 PTS/ 5 INCIDENTS - 7/13/19 (DS), 8/31/19 (DS), 9/7/19 (DS), 10/16/19 (DS),AND 11/17/19 (DS)	12/23/2019	L.O.C.	12/23/2019			SENT FROM CREW
RULE	- A	: F/D PER SUPT. BENDICK - 1/13/20 - WHILE RIDING TRAIN 2063; THE BRAKEMAN'S TIMETABLE WAS MISSING INK CHANGES FROM GN5-41A; PAGE 9, GN5-43C.	01/13/2020	F/D	01/13/2020			
73	S.I.	- 1901 : 1/31/20 - RULE 801 AND SI 1901 -COLLECTOR TRAIN 1250 - WHILE PLATFORMED BEHIND THE HANGER ON 16 TRACK IN PENN; YOU KEYED ONTO THE TRAIN IN THE MIDDLE OF CONSIST; RESULTED IN ALL 12 CARS OF CONSIST TO BE OPENED; 2 OFF PLATFORM	01/31/2020	REPRIMAND	07/28/2020			
408	RULE	- SUB : 11/9/20 - USING SICK AS SUBTERFUGE - INVESTIGATION REVEALED THAT ON 10/31 YOU WERE SCHEDULED TO WORK A/C JOB 132 ; YOU CONTACTED CREW ON TAPED LINE AND STATED YOU WOULD BE ABSENT FROM WORK DUE TO ILLNESS UNTIL FURTHER NOTICE; YOU ATTENDED EVENT ON 10/31/2	11/09/2020	SUSPENDED	12/02/2020	30	Yes	30 CDS; 22 WDS FOR PAYROLL PURPOSES; COMBINED WITH CASES 408-20, 409-20, 410-20 AND 411-20- FINES IN LIEU OF
409	RULE	- SUB : SICK AS SUBTERFUGE - 11/1/20 - INVESTIGATION REVEALED THAT ON 11/1/2020- YOU CONTACTED CREW VIA TAPED LINE AND STATED ABSENT FROM WORK DUE TO ILLNESS; YOU ATTENDED AN INVENT HELD IN VICINITY OF GLEN CLOVE WHILE RECEIVING COMPENSATION FOR SICK LEAVE	11/09/2020	SUSPENDED	12/02/2020	30	Yes	30 CDS; 22 WDS FOR PAYROLL PURPOSES; COMBINED WITH CASES 408-20, 409-20, 410-20 AND 411-20. FINES IN LIEU OF
410	RULE	- SUB : SICK AS SUBTERFUGE; 11/9/20 - INVESTIGATION REVEALED THAT ON 10/31 YOU CONTACTED CREW VIA TAPED LINE AND STATED YOU'D BE ABSENT FROM WORK DUE TO ILLNESS; YOU ATTENDED AN EVENT AND WERE SEEN WALKING ON SIDE OF BUSY STREET	11/09/2020	SUSPENDED	12/02/2020	30	Yes	30 CDS; 22 WDS FOR PAYROLL PURPOSES; COMBINED WITH CASES 408-20, 409-20, 410-20 AND 411-20-FINES IN LIEU OF SIGNED.
411	RULE	- SUB : SICK AS SUBTERFUGE - 11/8/20 - YOU CONTACTED CREW VIA TAPED LINE AND STATED YOU WOULD BE ABSENT DUE TO ILLNESS; YOU MISREPRESENTED YOUR ELGIBILITY FOR SICK LEAVE USAGE ON 11/8/20 TO AVOID	11/08/2020	SUSPENDED	12/02/2020	30	Yes	30 CDS; 22 WDS FOR PAYROLL PURPOSES; COMBINED WITH CASES 408-20, 409-20, 410-20 AND 411-20. FINES IN LIEU OF
6SAFET	- 900.3	: SAFETY 900.3.2 - 12/7/20 - TICKET COLLECTOR JOB/RUN 436; YOU WERE OBSERVED FAILING TO WEAR FACE MASK COVERING IN PENN STATION WHILE STANDING IN HALLWAY ADJACENT TO ONE PENN PLAZA	12/07/2020	L.O.C.	12/15/2020			
32	SAFET	- 900.3 : 1/14/21 - SAFETY RULE 900.3.2/ RULE 801 - TRAIN 857; T.M. WALSH OBSERVED YOU FAILING TO PROPERLY WEAR FACE COVERING; YOU FAILED TO COVER YOUR NOSE.WHEN TOLD TO PRPERLY WEAR OR WILL BE WRITTEN UP; YOU REPLIED I DON'T CARE	01/14/2021	PENDING	01/19/2021			

120

01/21/2021

Page 1 of 1

Transportation Department

RESCHEDULING NOTICE

CERTIFIED MAIL NO. 7020 0640 0000 2008 1107
AND FIRST-CLASS MAIL

January 29, 2021

CASE NO. 032-21

Mr. Steven Rosati-58733
375 Kent Street
Lindenhurst, NY 11757

Dear Mr. Rosati:

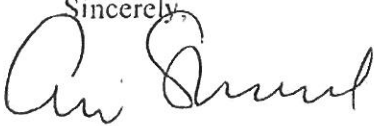
RE: *Failure to Follow Supervisor's Instruction: Violation of Rule 801 of the Rules of the Operating Department; Violation of Corporate Safety Rule 900.3.2...*

Your trial concerning the above-noted charge was scheduled for **January 29, 2021 at 1:00 PM**. You failed to appear at that time. Your representative requested a postponement; that request was granted.

Therefore, your new trial date is **February 5, 2021 at 9:30 AM**, at the Transportation Trial Office, 146-01 Archer Avenue, 1st Floor, Jamaica, New York. You are expected to be present at that time. If you fail to appear, your trial may be held in absentia.

If you are unable to attend your scheduled trial, please notify this office at (718) 558-3829.

Sincerely,



Erin Sherrard
Manager-Transportation Trial Office

cc: SMART-Transportation Division-A. Simon

Transportation Department

RESCHEDULING NOTICE

CERTIFIED MAIL NO. 7020 0640 0000 2008 1091
AND FIRST-CLASS MAIL

January 29, 2021

CASE NO. 036-21

Mr. Steven Rosati-58733
375 Kent Street
Lindenhurst, NY 11757

Dear Mr. Rosati:

RE: Violation of Rule D of the Rules of the Operating Department; Violation of the Corporate Absence Control Policy and Procedure (AWOL) and/or Violation of the Terms and Conditions of your Collective Bargaining Agreement...

Your trial concerning the above-noted charge was scheduled for **January 29, 2021 at 10:30 AM.** You failed to appear at that time. Your representative requested a postponement; that request was granted.

Therefore, your new trial date is **February 5, 2021 at 10:00 AM,** at the Transportation Trial Office, 146-01 Archer Avenue, 1st Floor, Jamaica, New York. You are expected to be present at that time. If you fail to appear, your trial may be held in absentia.

If you are unable to attend your scheduled trial, please notify this office at (718) 558-3829.

Sincerely,



Erin Sherrard
Manager-Transportation Trial Office

cc: SMART-Transportation Division-A. Simon

Transportation Department

RESCHEDULING NOTICE

CERTIFIED MAIL NO. 7020 0640 0000 1995 2982
AND FIRST-CLASS MAIL

November 20, 2020

CASE NO. 408-20

Mr. Steven Rosati-58733
375 Kent Avenue
Lindenhurst, NY 11757

Dear Mr. Rosati:

RE: Violation of the Absence Control Policy and/or Violation of the Terms and Conditions of your Collective Bargaining Agreement; Sick Leave Provision; Using Sick Leave as Subterfuge to Avoid Work...

Your trial concerning the above-noted charge was scheduled for **November 20, 2020 at 9:30 AM.** You failed to appear at that time. You're representative requested a postponement; that request was granted.

Therefore, your new trial date is **November 30, 2020 at 10:00 AM,** at the Transportation Trial Office, 146-01 Archer Avenue, 1st Floor, Jamaica, New York. You are expected to be present at that time. If you fail to appear, your trial may be held in absentia

If you are unable to attend your scheduled trial, please notify this office at (718) 558-3829.

Sincerely,



Erin Sherrard
Manager – Transportation Trial Office

cc: SMART – Transportation Division – A. Simon

LONG ISLAND RAIL ROAD
TRANSPORTATION DEPARTMENT
NOTICE OF TRIAL

CERTIFIED MAIL NO. 7020 0640 0000 1995 1497
AND US FIRST CLASS MAIL

November 13, 2020

Case No. **408-20**

Mr. Steven Rosati – 58733
375 Kent Avenue
Lindenhurst, NY 11757

Dear Mr. Rosati:

Please arrange to be present at an investigation to be held at the Transportation Trial Office, 146-01 Archer Avenue, 1st Floor, Jamaica, New York on:

DATE: November 20, 2020

TIME: 9:30 AM

IN CONNECTION WITH THE FOLLOWING CHARGE(s):

“Violation of the Corporate Absence Control Policy and/or Violation of the Terms and Conditions of your Collective Bargaining Agreement, Sick Leave Provision; Using Sick Leave and Subterfuge to avoid work;

In that on November 9, 2020, the Department concluded an investigation which revealed that on October 31, 2020, you were scheduled to work as Assistant Conductor of Job/Run 132 with a report time of 1:47 p.m. On October 31, 2020, at approximately 12:49 a.m., you contacted the Transportation Crew Management Office via telephone on a taped line and stated that you would be absent from work due to illness until further notice and that you would be utilizing sick leave. On November 9, 2020, the Department learned that on October 31, 2020, you attended at an event held in the vicinity of West Babylon while receiving compensation for sick leave. On November 9, 2020, the Department learned that you misrepresented your eligibility for Sick Leave usage for October 31, 2020 to avoid work.

You may, if you so desire, be accompanied by an accredited union representatives of your Organization, to represent you without expense to the Company.

You may produce witnesses on your behalf, without expense to the Company.

You and/or your representative may cross-examine witnesses.

You will be expected to be present throughout the entire proceeding.

Stephen Damato
Director-Transportation Crew Management Svcs

cc: SMART – Transportation Division- A. Simon; Human Resources—M. Centauro

LONG ISLAND RAIL ROAD
TRANSPORTATION DEPARTMENT
NOTICE OF TRIAL

CERTIFIED MAIL NO. 7020 0640 0000 1995 1510
AND US FIRST CLASS MAIL

November 13, 2020

Case No. **409-20**

Mr. Steven Rosati – 58733
375 Kent Avenue
Lindenhurst, NY 11757

Dear Mr. Rosati:

Please arrange to be present at an investigation to be held at the Transportation Trial Office, 146-01 Archer Avenue, 1st Floor, Jamaica, New York on:

DATE: November 20, 2020

TIME: 10:00 AM

IN CONNECTION WITH THE FOLLOWING CHARGE(s):

“Violation of the Corporate Absence Control Policy and/or Violation of the Terms and Conditions of your Collective Bargaining Agreement, Sick Leave Provision; Using Sick Leave and Subterfuge to avoid work;

In that on November 9, 2020, the Department concluded an investigation which revealed that on November 1, 2020, you were scheduled to work as Assistant Conductor of Job/Run 132 with a report time of 1:47 p.m. On October 31, 2020, at approximately 12:49 a.m., you contacted the Transportation Crew Management Office via telephone on a taped line and stated that you would be absent from work due to illness until further notice and that you would be utilizing sick leave. On November 9, 2020, the Department learned that on November 1, 2020, you attended an event held in the vicinity Glen Cove while receiving compensation for sick leave. On November 9, 2020, the Department learned that you misrepresented your eligibility for Sick Leave usage for November 1, 2020 to avoid work.

You may, if you so desire, be accompanied by an accredited union representatives of your Organization, to represent you without expense to the Company.

You may produce witnesses on your behalf, without expense to the Company.

You and/or your representative may cross-examine witnesses.

You will be expected to be present throughout the entire proceeding.

Stephen Damato
Director-Transportation Crew Management Svcs

cc: SMART – Transportation Division- A. Simon; Human Resources—M. Centauro

Transportation Department

RESCHEDULING NOTICE

CERTIFIED MAIL NO. 7020 0640 0000 1995 2975
AND FIRST-CLASS MAIL

November 20, 2020

CASE NO. 409-20

Mr. Steven Rosati-58733
375 Kent Avenue
Lindenhurst, NY 11757

Dear Mr. Rosati:

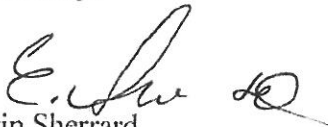
RE: Violation of the Absence Control Policy and/or Violation of the Terms and Conditions of your Collective Bargaining Agreement; Sick Leave Provision; Using Sick Leave as Subterfuge to Avoid Work...

Your trial concerning the above-noted charge was scheduled for November 20, 2020 at 10:00 AM. You failed to appear at that time. You're representative requested a postponement; that request was granted.

Therefore, your new trial date is November 30, 2020 at 10:30 AM. at the Transportation Trial Office, 146-01 Archer Avenue, 1st Floor, Jamaica, New York. You are expected to be present at that time. If you fail to appear, your trial may be held in absentia

If you are unable to attend your scheduled trial, please notify this office at (718) 558-3829.

Sincerely,


Erin Sherrard
Manager – Transportation Trial Office

cc: SMART – Transportation Division – A. Simon

Transportation Department

RESCHEDULING NOTICE

CERTIFIED MAIL NO. 7020 0640 0000 1992 5283
AND FIRST-CLASS MAIL

March 2, 2021

CASE NO. 036-21

Mr. Steven Rosati-58733
375 Kent Street
Lindenhurst, NY 11757

Dear Mr. Rosati:

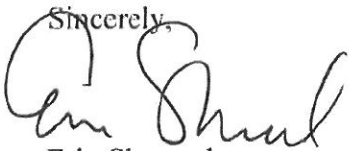
RE: Violation of Rule D of the Rules of the Operating Department; Violation of the Corporate Absence Control Policy and Procedure (AWOL) and/or Violation of the Terms and Conditions of your Collective Bargaining Agreement...

Your trial concerning the above-noted charge was scheduled for March 2, 2021 at 10:30 AM. Your representative requested a postponement; that request was granted.

Therefore, your new trial date is April 20, 2021 at 10:30 AM, at the Transportation Trial Office, 146-01 Archer Avenue, 1st Floor, Jamaica, New York. You are expected to be present at that time. If you fail to appear, your trial may be held in absentia.

If you are unable to attend your scheduled trial, please notify this office at (718) 558-3829.

Sincerely,



Erin Sherrard
Manager-Transportation Trial Office

cc: SMART-Transportation Division-A. Simon

Jamaica Station
Jamaica, NY 11435-4380
718-217-5477

Phillip Eng
President



Long Island Rail Road

CERTIFIED MAIL NO. 7020 0640 0000 1995 4764
AND FIRST - CLASS MAIL

January 25, 2021

Mr. Steven Rosati – 58733
375 Kent Avenue
Lindenhurst, NY 11757

Dear Mr. Rosati:

Notification is hereby given that you were taken **Out of Service** by Lead Transportation Manager, Benjamin Gallup on January 21, 2021, at approximately 2:40 p.m. until further notice in connection with:

An investigation into Conduct Unbecoming an Employee of the Long Island Rail Road...

You will be advised whether you will be charged, and if so, then notified of the specific trial charge, the time, date and location of your trial.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Behdick".

M. Behdick
Superintendent – Train Service

cc: SMART- Transportation Division – A. Simon, Human Resources – M. Centauro

Name & ID
 Time Period

▼ Accruals ▼ Reports ▼						
Date	Pay Code	Amount	In	Transfer	Out	In
	Suspension ST Fine	-61.65				
			1:45AM	...52//7020161;TE-TS Approved OT	9:25AM	
	Sick - Paid	8:00		...9999//LIRR/TEP P11469//7020161		
	Personal Day	8:00		...9999//LIRR/TEP P11469//7020161		
	Training - Conductor Class	8:00		...9999//LIRR/TEP P11469//7020161		
	Meal Periods for T & E Empl...	0:30		...0/699999//WSY/TEP 87//7020161		
	Suspension OT Built In Fine	-1.35				
	Suspension ST Fine	-61.65				
			12:43AM	...87//7020161;TE-TS Approved OT	8:50AM	
	Relief Day	0:01				
	Relief Day	0:01				
	Sick - Paid	8:00		...9999//LIRR/TEP P11469//7020161		
	Suspension ST Fine	-61.65				
			6:07PM	...33//7010160;TE-TS Approved OT	1:15AM	
	Suspension OT Built In Fine	-4.43				
	Suspension ST Fine	-61.65				
			2:51PM	...60//7020161;TE-TS Approved OT	11:14PM	
	Suspension ST Fine	-61.65				
			12:15PM	...C1//7020161;TE-TS Approved OT	8:15PM	
	Sick - Paid	8:00		...9999//LIRR/TEP P11469//7020161		
	Relief Day	0:01				
	Relief Day	0:01				
			8:40AM	2//7020161;TE-TS Approved OT	2:46PM	

LONG ISLAND RAIL ROAD
TRANSPORTATION DEPARTMENT
NOTICE OF TRIAL

CERTIFIED MAIL NO. 7020 0640 0000 2008 1145
AND FIRST-CLASS MAIL

January 29, 2021

Case No. 044-21

Mr. Steven Rosati – 58733
375 Kent Avenue
Lindenhurst, NY 11757

Dear Mr. Rosati:

Please arrange to be present at an investigation to be held at the Transportation Trial Office, 146-01 Archer Avenue, 1st Floor, Jamaica, New York on:

DATE: February 5, 2021

TIME: 11:00 AM

IN CONNECTION WITH THE FOLLOWING CHARGE(s):

Conduct Unbecoming an Employee of the LIRR; Violation of the Long Island Rail Road Dual Employment Policy; Violation of the MTA All Agency Code of Ethics:

In that on January 21, 2021, the Department concluded an investigation that revealed that you have engaged in secondary employment/activity as or for 'Clashbrothers United,' without seeking or receiving authorization from the Department, as required by the LIRR Dual Employment Policy ("the Policy") and the MTA All Agency Code of Ethics ("Code of Ethics"). You failed to submit the required All Agency Outside Activity Request form for receiving approval from the Head of your Department, as required by the Policy and the Code of Ethics, for such secondary employment/activity as or for 'Clashbrothers United'.

You may, if you so desire, be accompanied by an accredited union representative of your Organization to represent you without expense to the Company.

You may produce witnesses on your behalf, without expense to the Company.

You and/or your representative may cross-examine witnesses.

You will be expected to be present throughout the entire proceeding.



M. Bendick
Superintendent-Train Service

cc: SMART Transportation Division - A. Simon, Human Resources – M. Centauro

Transportation Department

RESCHEDULING NOTICE

CERTIFIED MAIL NO. 7020 0640 0000 1995 2951
AND FIRST-CLASS MAIL

November 20, 2020

CASE NO. 410-20

Mr. Steven Rosati-58733
375 Kent Avenue
Lindenhurst, NY 11757

Dear Mr. Rosati:

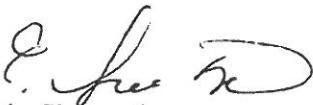
RE: Violation of the Absence Control Policy and/or Violation of the Terms and Conditions of your Collective Bargaining Agreement; Sick Leave Provision; Using Sick Leave as Subterfuge to Avoid Work...

Your trial concerning the above-noted charge was scheduled for November 20, 2020 at 10:30 AM. You failed to appear at that time. You're representative requested a postponement; that request was granted.

Therefore, your new trial date is November 30, 2020 at 10:30 AM, at the Transportation Trial Office, 146-01 Archer Avenue, 1st Floor, Jamaica, New York. You are expected to be present at that time. If you fail to appear, your trial may be held in absentia

If you are unable to attend your scheduled trial, please notify this office at (718) 558-3829.

Sincerely,



Erin Sherrard
Manager – Transportation Trial Office

cc: SMART – Transportation Division – A. Simon

Transportation Department

RESCHEDULING NOTICE

CERTIFIED MAIL NO. 7020 0640 0000 1995 3057
AND FIRST-CLASS MAIL

November 20, 2020

CASE NO. 411-20

Mr. Steven Rosati-58733
375 Kent Avenue
Lindenhurst, NY 11757

Dear Mr. Rosati:

RE: Violation of the Absence Control Policy and/or Violation of the Terms and Conditions of your Collective Bargaining Agreement; Sick Leave Provision; Using Sick Leave as Subterfuge to Avoid Work...

Your trial concerning the above-noted charge was scheduled for November 20, 2020 at 11:00 AM. You failed to appear at that time. You're representative requested a postponement; that request was granted.

Therefore, your new trial date is November 30, 2020 at 11:00 AM, at the Transportation Trial Office, 146-01 Archer Avenue, 1st Floor, Jamaica, New York. You are expected to be present at that time. If you fail to appear, your trial may be held in absentia

If you are unable to attend your scheduled trial, please notify this office at (718) 558-3829.

Sincerely,



Erin Sherrard
Manager – Transportation Trial Office

cc: SMART – Transportation Division – A. Simon

LONG ISLAND RAIL ROAD
TRANSPORTATION DEPARTMENT
NOTICE OF TRIAL

CERTIFIED MAIL NO. 7020 0640 0000 2008 1138
AND FIRST-CLASS MAIL

January 29, 2021

Case No. 043-21

Mr. Steven Rosati – 58733
375 Kent Avenue
Lindenhurst, NY 11757

Dear Mr. Rosati:

Please arrange to be present at an investigation to be held at the Transportation Trial Office, 146-01 Archer Avenue, 1st Floor, Jamaica, New York on:

DATE: February 5, 2021

TIME: 10:30 AM

IN CONNECTION WITH THE FOLLOWING CHARGE(s):

Failure to Follow a Supervisor's Directive; Violation of the Terms and Conditions of your Collective Bargaining Agreement, Sick Leave Provision and/or Violation of the Corporate Absence Control Policy; Section B.4, which states in pertinent part;

"Patterns of abuse, such as the repeat occurrences of taking days off in conjunction with relief days, vacations, personal days, or other approved time off constitutes a pattern of abuse subject to discipline without requiring the accumulation of points as described in this Policy."

On January 5, 2021, January 11, 2021 and January 15, 2021, you requested and were granted sick leave. On January 21, 2021, the Department concluded an investigation which revealed that those sick leave days were in conjunction with either a personal or relief days, which demonstrates a pattern of abuse as described in the Corporate Absence Control Policy. On January 21, 2021 you were directed to provide the Carrier with Sick Leave Application form SLA 28 for those absences no later than January 26, 2021; however, you failed to comply with this directive.

You may, if you so desire, be accompanied by an accredited union representative of your Organization, to represent you without expense to the Company.

You may produce witnesses on your behalf, without expense to the Company.

You and/or your representative may cross-examine witnesses.

You will be expected to be present throughout the entire proceeding.



S. Damato
Director - Transportation Crew Mgmt. Services

cc: SMART Transportation Division - A. Simon, Human Resources – M. Centauro

LONG ISLAND RAIL ROAD
TRANSPORTATION DEPARTMENT
NOTICE OF TRIAL

CERTIFIED MAIL NO. 7020 0640 0000 1995 1503
AND US FIRST CLASS MAIL

November 13, 2020

Case No. **410-20**

Mr. Steven Rosati – 58733
375 Kent Avenue
Lindenhurst, NY 11757

Dear Mr. Rosati:

Please arrange to be present at an investigation to be held at the Transportation Trial Office, 146-01 Archer Avenue, 1st Floor, Jamaica, New York on:

DATE: November 20, 2020

TIME: 10:30 AM

IN CONNECTION WITH THE FOLLOWING CHARGE(s):

“Violation of the Corporate Absence Control Policy and/or Violation of the Terms and Conditions of your Collective Bargaining Agreement, Sick Leave Provision; Using Sick Leave and Subterfuge to Avoid Work;

In that on November 9, 2020, the Department concluded an investigation which revealed that on November 2, 2020, you were scheduled to work as Assistant Conductor of Job/Run 132 with a report time of 2:22 p.m. On October 31, 2020, at approximately 12:49 a.m., you contacted the Transportation Crew Management Office via telephone on a taped line and stated that you would be absent from work due to illness until further notice and that you would be utilizing sick leave. On November 9, 2020, the Department learned that on November 2, 2020, you attended an event where you were seen walking on the side of a busy street, while receiving compensation for sick leave. On November 9, 2020, the Department learned that you misrepresented your eligibility for Sick Leave usage for November 2, 2020 to avoid work.

You may, if you so desire, be accompanied by an accredited union representatives of your Organization, to represent you without expense to the Company.

You may produce witnesses on your behalf, without expense to the Company.

You and/or your representative may cross-examine witnesses.

You will be expected to be present throughout the entire proceeding.



Stephen Damato
Director-Transportation Crew Management Svcs

cc: SMART – Transportation Division- A. Simon; Human Resources—M. Centauro

LONG ISLAND RAIL ROAD
TRANSPORTATION DEPARTMENT
NOTICE OF TRIAL

CERTIFIED MAIL NO. 7020 0640 0000 1995 1480
AND US FIRST CLASS MAIL

November 13, 2020

Case No. **411-20**

Mr. Steven Rosati – 58733
375 Kent Avenue
Lindenhurst, NY 11757

Dear Mr. Rosati:

Please arrange to be present at an investigation to be held at the Transportation Trial Office, 146-01 Archer Avenue, 1st Floor, Jamaica, New York on:

DATE: November 20, 2020

TIME: 11:00 AM

IN CONNECTION WITH THE FOLLOWING CHARGE(s):

“Violation of the Corporate Absence Control Policy and/or Violation of the Terms and Conditions of your Collective Bargaining Agreement, Sick Leave Provision; Using Sick Leave and Subterfuge to Avoid Work;

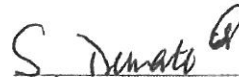
On November 8, 2020, you were scheduled to work as Assistant Conductor of Job/Run 132 with a report time of 3:18 p.m. On November 8, 2020, at approximately 2:06 a.m., you contacted the Transportation Crew Management Office via telephone on a taped line and stated that you would be absent from work due to illness and that you would be utilizing sick leave. At that same time, you notified the department that you would return to duty the following day, November 9, 2020. On November 9, 2020, the Department learned that, you attended an event held in the vicinity of East Northport on November 8, 2020, while receiving compensation for sick leave. On November 9, 2020, the Department learned that you misrepresented your eligibility for Sick Leave usage for November 8, 2020 to avoid work.

You may, if you so desire, be accompanied by an accredited union representatives of your Organization, to represent you without expense to the Company.

You may produce witnesses on your behalf, without expense to the Company.

You and/or your representative may cross-examine witnesses.

You will be expected to be present throughout the entire proceeding.



Stephen Damato
Director-Transportation Crew Management Svcs

cc: SMART – Transportation Division- A. Simon; Human Resources—M. Centauro

**Transportation Department
RESCHEDULING NOTICE**

CERTIFIED MAIL NO. 7019 1640 0000 0891 4633
AND FIRST-CLASS MAIL

February 11, 2020

CASE NO. 073-20

Mr. Steven Rosati – 58733
375 Kent Avenue
Lindenhurst, NY 11757

Dear Mr. Rosati:

RE: Improper Performance of Duty, Violation of Rule 801 of the Rules of the Operating Department; Violation of Special Instruction 1901...

Your trial concerning the above-noted charge was scheduled for February 11, 2020 at 12:30 PM. You failed to appear at that time. Your representative requested a postponement; that request was granted.

Therefore, your new trial date is February 18, 2020 at 10:00 AM, at the Transportation Trial Office, 146-01 Archer Avenue, 1st Floor, Jamaica, New York. You are expected to be present at that time. If you fail to appear, your trial may be held in absentia.

If you are unable to attend your scheduled trial, please notify this office at (718) 558-3829.

Sincerely,

Erin Sherrard
Manager-Transportation Trial Office

cc: SMART – Transportation Division – A. Simon

**Transportation Department
RESCHEDULING NOTICE**

CERTIFIED MAIL NO. 7019 1640 0000 0884 5142
AND FIRST-CLASS MAIL

February 18, 2020

CASE NO. 073-20

Mr. Steven Rosati – 58733
375 Kent Avenue
Lindenhurst, NY 11757

Dear Mr. Rosati:

RE: Improper Performance of Duty, Violation of Rule 801 of the Rules of the Operating Department; Violation of Special Instruction 1901...

Your trial concerning the above-noted charge was scheduled for **February 18, 2020 at 10:00 AM.** You failed to appear at that time. Your representative requested a postponement; that request was granted.

Therefore, your new trial date is **April 6, 2020 at 10:00 AM,** at the Transportation Trial Office, 146-01 Archer Avenue, 1st Floor, Jamaica, New York. You are expected to be present at that time. If you fail to appear, your trial may be held in absentia.

If you are unable to attend your scheduled trial, please notify this office at (718) 558-3829.

Sincerely,

A handwritten signature in blue ink that reads "E. Sherrard". To the right of the signature is a small, circular blue ink stamp containing the letters "AD".

Erin Sherrard
Manager-Transportation Trial Office

cc: SMART – Transportation Division – A. Simon

**Transportation Department
RESCHEDULING NOTICE**

CERTIFIED MAIL NO. 7020 0640 0000 1988 1862
AND FIRST-CLASS MAIL

July 23, 2020

CASE NO. 073-20

Mr. Steven Rosati – 58733
375 Kent Avenue
Lindenhurst, NY 11757

Dear Mr. Rosati:

RE: Improper Performance of Duty, Violation of Rule 801 of the Rules of the Operating Department; Violation of Special Instruction 1901...

Your trial concerning the above-noted charge was scheduled for July 23, 2020 at 1:30 PM. You failed to appear at that time. Your representative requested a postponement; that request was granted.

Therefore, your new trial date is September 17, 2020 at 9:30 AM, at the Transportation Trial Office, 146-01 Archer Avenue, 1st Floor, Jamaica, New York. You are expected to be present at that time. If you fail to appear, your trial may be held in absentia.

If you are unable to attend your scheduled trial, please notify this office at (718) 558-3829.

Sincerely,



Erin Sherrard
Manager-Transportation Trial Office

cc: SMART – Transportation Division – A. Simon

LONG ISLAND RAIL ROAD
TRANSPORTATION DEPARTMENT

NOTICE OF TRIAL

CERTIFIED MAIL NO. 7019 1640 0000 0891 4077
AND FIRST-CLASS MAIL

February 6, 2020

Case No. **073-20**

Mr. Steven Rosati – 58733
375 Kent Avenue
Lindenhurst, NY 11757

Dear Mr. Rosati:

Please arrange to be present at an investigation to be held at the Transportation Trial Office, 146-01 Archer Avenue, 1st Floor, Jamaica, New York on:

DATE: February 11, 2020

TIME: 12:30 PM

IN CONNECTION WITH THE FOLLOWING CHARGE(s):

Improper Performance of Duty, Violation of Rule 801 of the Rules of the Operating Department; Violation of Special Instruction 1901,


In that on January 31, 2020, you were on duty as the Collector of Train No. 1250. On January 31, 2020, while Train No. 1250 was platformed behind the hanger on Track 16 in Penn Station, you keyed onto the train in the middle of the consist. This resulted in the doors to all 12 cars of the consist being opened, the last two of which were off the platform. Your failure to properly perform your duties as per Special Instruction 1901 created a potentially dangerous condition for the passengers of Train No. 1250.

You may, if you so desire, be accompanied by an accredited union representatives of your Organization, to represent you without expense to the Company.

You may produce witnesses on your behalf, without expense to the Company.

You and/or your representative may cross-examine witnesses.

You will be expected to be present throughout the entire proceeding.


M. Bendick
Superintendent-Train Movement

cc: SMART – Transportation Division- A. Simon; Human Resources—M. Centauro

**LONG ISLAND RAIL ROAD
TRANSPORTATION DEPARTMENT**

TRIAL WAIVER

NAME: Steven Rosati

CASE NO: 073-20

CRAFT: Assistant Conductor

IBM NO.: 58733

SR WHEREAS, I, Steven Rosati, IBM #58733, CRAFT, Assistant Conductor, have been charged with "Improper Performance of Duty; Violation of Rule 801 of the Rules of the Operating Department; Violation of Special Instruction 1901..." as detailed in the Notice of Trial dated February 6, 2020, a copy of which is attached hereto; and

SR WHEREAS, on July 28, 2020 I have been advised by the Carrier and my Union Representative and I understand that I am entitled to proceed with a trial as detailed in the attached Notice of Trial; and

SR WHEREAS, I, hereby state that I wish to waive my rights to trial, plead guilty to "Improper Performance of Duty; Violation of Rule 801 of the Rules of the Operating Department; Violation of Special Instruction 1901..." and enter into this TRIAL WAIVER wherein discipline is assessed as follows:

SR **REPRIMAND**

This discipline will remain on my record as per the Collective Bargaining Agreement.

SR I have read and understand the above terms and conditions of this TRIAL WAIVER. The terms and conditions constitute the full and final settlement of this case. I understand that the opportunity to enter into this TRIAL WAIVER is predicated exclusively upon the special circumstances of this matter, and that entering into this TRIAL WAIVER will not constitute a precedent for the determination of other disputes between the Long Island Rail Road and the Union. Furthermore, this TRIAL WAIVER will not be cited and/or offered into evidence for any purpose or for any other judicial, administrative, or other proceeding and forum, except for the purpose of enforcing the obligations contained herein.

[Signature] 7-28-2020
Department Representative

I, Steven Rosati, have read the above paragraphs and understand that this is in full, final and complete settlement of this case. In concurring with this discipline, I have placed my signature on the space provided below.

<u>[Signature]</u>	<u>7/28/20</u>
Employee Signature	Date
<u>[Signature]</u>	<u>7/28/20</u>
Union Representative	Date

LONG ISLAND RAIL ROAD
TRANSPORTATION DEPARTMENT

NOTICE OF TRIAL

CERTIFIED MAIL NO. 7020 1290 0001 6753 4043
AND FIRST-CLASS MAIL

January 19, 2021

Case No. **032-21**

Mr. Steven Rosati – 58733
375 Kent Avenue
Lindenhurst, NY 11757

Dear Mr. Rosati:

Please arrange to be present at a trial to be held at the Transportation Trial Office, 146-01 Archer Avenue, 1st Floor, Jamaica, New York on:

DATE: January 29, 2021

TIME: 1:00 PM

IN CONNECTION WITH THE FOLLOWING CHARGE(s):

“Failure to Follow a Supervisor’s Instruction; Violation of Rule 801 of the Rules of the Operating Department; Violation of Corporate Safety Rule 900.3.2;

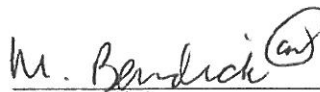
On January 14, 2021, while assigned to service Train No. 857, Transportation Manager, M. Walsh observed you failing to properly wear a face covering. Specifically, your face covering failed to cover your nose, as required. Transportation Manager, M. Walsh instructed you to adjust your face covering so that it covered both your nose and mouth and when M. Walsh informed you that you were going to be written up for being non-compliant for failing to properly wear a face covering, you responded “I don’t care” or words to that effect. Shortly thereafter, Transportation Manager, M. Walsh observed you in the 11th car with your face covering failing to cover your nose again. On January 14, 2021, you failed to follow a Supervisor’s instruction and created a potentially dangerous condition for yourself and customers.”

You may, if you so desire, be accompanied by an accredited union representative of your Organization, to represent you without expense to the Company.

You may produce witnesses on your behalf, without expense to the Company.

You and/or your representative may cross-examine witnesses.

You will be expected to be present throughout the entire proceeding.



M. Bendick
Superintendent Train Service

cc: SMART – Transportation Division – A. Simon; Human Resources – M. Centauro

LONG ISLAND RAIL ROAD
TRANSPORTATION DEPARTMENT
NOTICE OF TRIAL

CERTIFIED MAIL NO. 7020 0640 0000 2008 0964
AND FIRST-CLASS MAIL

January 21, 2021

Case No. 036-21

Mr. Steven Rosati – 58733
375 Kent Avenue
Lindenhurst, NY 11757

Dear Mr. Rosati:

Please arrange to be present at an investigation to be held at the Transportation Trial Office, 146-01 Archer Avenue, 1st Floor, Jamaica, New York on:

DATE: January 29, 2021

TIME: 10:30 AM

IN CONNECTION WITH THE FOLLOWING CHARGE(s):

“Violation of Rule D of the Rules of the Operating Department; Violation of the Corporate Absence Control Policy and Procedure (AWOL) and/or Violation of the Terms and Conditions of Your Collective Bargaining Agreement)...

In that on January 20, 2021, you were scheduled to work as a Ticket Collector assigned to service Train No. 109. On January 20, 2021, Lead Transportation Manager, B. Gallup conducted an inspection of Train No. 109 at Jamaica Station and found that you were not on board, as required. On January 20, 2021, you failed to report to your scheduled assignment as required and failed to timely notify the appropriate supervisor/crew that you would not cover your assignment as required.”

You may, if you so desire, be accompanied by an accredited union representatives of your Organization, to represent you without expense to the Company.

You may produce witnesses on your behalf, without expense to the Company.

You and/or your representative may cross-examine witnesses.

You will be expected to be present throughout the entire proceeding.



S. Damato

Director - Transportation Crew Mgmt. Services

cc: SMART Transportation Division - A. Simon, Human Resources – M. Centauro

LONG ISLAND RAIL ROAD
TRANSPORTATION DEPARTMENT
NOTICE OF TRIAL

CERTIFIED MAIL NO. 7020 0640 0000 2008 1138
AND FIRST-CLASS MAIL

January 29, 2021

Case No. 043-21

Mr. Steven Rosati – 58733
375 Kent Avenue
Lindenhurst, NY 11757

Dear Mr. Rosati:

Please arrange to be present at an investigation to be held at the Transportation Trial Office, 146-01 Archer Avenue, 1st Floor, Jamaica, New York on:

DATE: February 5, 2021

TIME: 10:30 AM

IN CONNECTION WITH THE FOLLOWING CHARGE(s):

Failure to Follow a Supervisor's Directive; Violation of the Terms and Conditions of your Collective Bargaining Agreement, Sick Leave Provision and/or Violation of the Corporate Absence Control Policy; Section B.4, which states in pertinent part;

"Patterns of abuse, such as the repeat occurrences of taking days off in conjunction with relief days, vacations, personal days, or other approved time off constitutes a pattern of abuse subject to discipline without requiring the accumulation of points as described in this Policy."

On January 5, 2021, January 11, 2021 and January 15, 2021, you requested and were granted sick leave. On January 21, 2021, the Department concluded an investigation which revealed that those sick leave days were in conjunction with either a personal or relief days, which demonstrates a pattern of abuse as described in the Corporate Absence Control Policy. On January 21, 2021 you were directed to provide the Carrier with Sick Leave Application form SLA 28 for those absences no later than January 26, 2021; however, you failed to comply with this directive.

You may, if you so desire, be accompanied by an accredited union representative of your Organization, to represent you without expense to the Company.

You may produce witnesses on your behalf, without expense to the Company.

You and/or your representative may cross-examine witnesses.

You will be expected to be present throughout the entire proceeding.



S. Damato

Director - Transportation Crew Mgmt. Services

cc: SMART Transportation Division - A. Simon, Human Resources – M. Centauro

**THE LONG ISLAND RAIL ROAD
NOTICE OF DISCIPLINE**

Steven Rosati
(Name)

58733
(IBM #)

Assistant Conductor
(Occupation)

Case No. 045-21

IN CONNECTION WITH THE FOLLOWING CHARGE(s):

“Conduct Unbecoming an Employee of the LIRR; Violation of The MTA Respectful Workplace Policy; Violation of the MTA Social Media Policy; Rule E and 801 of the Rules of the Operating Department;

In that on January 21, 2021, the Department completed an investigation that revealed that your Social Media postings and communications under the name of “unfiltered conservative” had been reported by local news media and identifying you as a Long Island Rail Road conductor/assistant conductor. After a review of your social media communications included offensive language and conduct, including using but not limited to your public displays of a white power hand symbol, violates the MTA Social Media Policy and portions of Article IV.A of the MTA Respectful Workplace Policy, which states in pertinent part;

Disrespectful conduct can include derogatory comments or jokes based on any class of people, including race, sex, color, religion, sexual orientation, disability, national origin, ethnicity or any other category prohibited by MTA policy; use of degrading words or graphics to describe or refer to an individual or group; spreading false gossip or rumors about an individual or group, and cursing and name calling.

Additionally, you posted several messages and photographs on social media websites, such as, Twitter, Tik Tok and Facebook that has subjected the Carrier to public criticism in violation of Rule E. Specifically, you posted photographs and videos, including while on Carrier property and/or equipment and while in LIRR uniform, which violates the MTA social Media Policy

DISCIPLINE ASSESSED:

X TERMINATION
GUILTY

NOT GUILTY


SIGNING OFFICIAL
JEFFREY STEVENS
SUPT. – PENN STATION CENTRAL CONTROL

11-MAY-21
DATE

LONG ISLAND RAIL ROAD
TRANSPORTATION DEPARTMENT
NOTICE OF TRIAL



CERTIFIED MAIL NO.
AND FIRST-CLASS MAIL 7002 2410 0000 7560 4794

January 29, 2021

Case No. 045-21

Mr. Steven Rosati – 58733
375 Kent Avenue
Lindenhurst, NY 11757

Dear Mr. Rosati:

Please arrange to be present at an investigation to be held at the Transportation Trial Office, 146-01 Archer Avenue, 1st Floor, Jamaica, New York on:

DATE: February 5, 2021

TIME: 11:00 AM

IN CONNECTION WITH THE FOLLOWING CHARGE(s):

Conduct Unbecoming an Employee of the LIRR; Violation of the MTA Respectful Workplace Policy; Violation of the MTA Social Media Policy; Violation of Rule E and 801 of the Rules of the Operating Department;

In that on January 21, 2021, the Department completed an investigation that revealed that your social media postings and communications under the name of “unfiltered conservative” had been reported by local news media and identified you as a Long Island Rail Road conductor/assistant conductor. A review of your social media communications revealed offensive language and conduct including, but not limited to, your public displays of a white power hand symbol, which violates the MTA Social Media Policy and portions of Article IV.A of the MTA Respectful Workplace Policy, which states in pertinent part;

Disrespectful conduct can include derogatory comments or jokes based on any class of people, including race, sex, color, religion, sexual orientation, disability, national origin, ethnicity or any other category prohibited by MTA policy; use of degrading words or graphics to describe or refer to an individual or group; spreading false gossip or rumors about an individual or group, and cursing and name calling.

Additionally, you posted several messages and photographs on social media websites, such as, Twitter, Tik Tok and Facebook that have subjected the Carrier to public criticism in violation of Rule E. Specifically, you posted photographs and videos, including while on Carrier property and/or equipment and while in LIRR uniform, which violate the MTA Social Media Policy and the MTA Respectful Workplace Policy.

You may, if you so desire, be accompanied by an accredited union representative of your Organization to represent you, without expense to the Company.